

Sex Offender Classification Board Meeting

Minutes

May 19, 2006 – 9:00 a.m.

Present: Thomas Hearn - chair, Gary Horton, Pamela Huntsman and Moscelene Sunderland, members; Kathy Baird, assistant.

Guests: Mary Perrien, PhD, IDOC Chief Psychologist and Mark Kubinski, Deputy Attorney General.

Minutes Approval

Minutes of the following meeting were reviewed:

- March 3, 2006 regular meeting

A MOTION WAS MADE BY PAMELA HUNTSMAN TO APPROVE THE MARCH 3rd MINUTES AS WRITTEN. THE MOTION WAS SECONDED BY MOSCELENE SUNDERLAND AND PASSED UNANIMOUSLY.

Budget Update – Kathy Baird, SOCB Assistant

Budget projections show that there will be minimal funds remaining at the end of the fiscal year. It will be very close, but Ms. Baird does not anticipate exceeding our budget allocation. Funds will not be available for reference materials and office equipment purchase requests that have been on hold.

Administrative Rules and Guidelines – Board Discussion

The district court has recently ruled upholding Jason Smith's VSP designation. Due to comments in the court's opinion, the board discussed its original guidelines and IDAPA Rules.

- The board was originally mandated to develop [operational] guidelines, and that document was completed in 2000.
- In 2003, the board was authorized to promulgate IDAPA Rules. Much of the guideline information was incorporated into the Rules which were adopted in 2005.
- The statutory vagueness regarding VSP designations was intended to provide for the board to use its discretion in considering cases. A designation criteria checklist is not feasible due to the wide variation of sexual offense/offender behavior. As such, each case is different and considered on its own merits.
- The guidelines will be revised to identify the board's process for determining an offender's risk of reoffense and the measures considered/utilized to make the designations. The goal is to be more specific than the VSP determination language in the Rules, with special consideration given to risk assessment categories and the criterion set forth in statute.
- The board will consider amending its Rules to include a statement that each case is considered on its own merits and that the board makes the ultimate designation decision. A similar statement is included in the IDAPA Rules for the Commission for Pardons and Parole. Procedures frequently change in accordance with the evolving sex offender management field.
- There is great concern that the board's legal counsel is not being noticed or kept up to date on the status of VSP judicial review cases. Mr. Kubinski will consider sending letters to prosecutors asking them to report back to him on active cases.

IDOC Sex Offender Issues & Ideas – Dr. Mary Perrien

- Dr. Perrien is scheduled to give a presentation to the Governor's Criminal Justice Committee on the state's potential implementation of a 3-tiered risk level system for sex offender registration. There are proposals being considered by (Federal) Congress, that would mandate this action.
 - Issues for Idaho to consider are VSP's and how they fit into the tier system; and who will make the tier assignments.
- There continues to be interest in an IDOC-operated sex offender assessment center for pre-sentence evaluations.
 - Dr. Horton has discussed this idea with several judges. Their preference is for regional sex offender assessment vs. a centralized center.

Directional Planning – Board Discussion

Prevailing consensus among board members is for the SOCB to work toward becoming an independent entity and separate from the Department of Correction's umbrella.

- Further discussion is needed to identify the board's overall direction, justification for such action, the steps to take for this action, and consideration of expanding the board's makeup/membership.

A MOTION WAS MADE BY PAMELA HUNTSMAN TO ADJOURN THE MEETING TO EXECUTIVE SESSION. THE MOTION WAS SECONDED BY MOSCELENE SUNDERLAND, AND PASSED UNANIMOUSLY.

Executive Session

- Legal review, pursuant to I.C. 67-2345 (1)(f).
- Psychosexual Evaluator Certification Application Reviews.
 - 1 renewal application was reviewed and denied for lack of required documentation.
- Chairman selection.
 - Board members selected Pamela Huntsman as the chair-elect. Her 2-year term in this capacity begins July 1st, 2006.
- Sex offender case review, pursuant to I.C. 67-2345 (1)(h) and I.C. 18-8315.
 - Inmate David Derryberry, #46774 was designated as a violent sexual predator.

The meeting returned to regular session.

Miscellaneous Business

- Ms. Baird has received a request for consideration of an associate-level evaluator classification.
 - This has been a goal of the board since the certified evaluator system was implemented. However, the board is not equipped to develop the classification at this time.
- The board will meet again on Friday, 8/18/06.

The meeting was concluded at 12:45 p.m.

Submitted by:
Kathy Baird
Management Assistant